

### **REMARKS**

Claims 1-9, 11, 12 and 14-22 remain pending in this application and claims 10 and 13 are canceled. Reconsideration and allowance of all pending claims are respectfully requested in view of the foregoing amendments and the following remarks.

#### **Claim Objection**

Claim 2 was objected to because of an informality that has been corrected by amending claim 2 as suggested in the office action.

#### **Request for Complete Office Action**

Claims 1-22 were rejected under 35 U.S.C. §102(b) as being anticipated by Walter et al. (hereafter “Walter”). However, the Office Action only specifically addresses the elements of claims 1 and 2 in a single paragraph. No explanation of the rejection of any other claims was provided. Applicant is entitled to a full and fair hearing on all claims, and the Examiner has the burden to establish a prima facie case regarding patentability of all claims presented. So if the rejection of claims 3-22 is maintained, then Applicant requests a complete office action that specifically addresses the limitations of each claim and informs the Applicant how the prior art is being applied to each claim. Further, any such complete office action cannot be made final because the incomplete office action was not caused in any way by Applicant. Otherwise, if the rejections of claims 3-22 cannot be supported then these claims must be allowed.

#### **Independent Claim 1**

As noted above, claim 1 was rejected as being anticipated by Walter. As amended, claim 1 recites, among other things, “wherein said shifter base housing has an integrally formed tubular

projection defining a seat and a central opening receiving said cable core wire passed through said sleeve,” and “a swivel tube having a head resting in said seat and a tubular body extending through said central opening into said interior space of said shifter base housing, said cable core wire extending through an opening in said head and within said tubular body.” Walter, on the other hand, does not disclose any “integrally formed tubular projection defining a seat and a central opening”. Instead, Walter discloses a connector or bush 26 that is formed separately from and is not integral with a box 11. Indeed, a primary feature of the bush 26, as taught by Walter, is that the bush 26 is designed for fast engagement with and disengagement from the box 11 which cannot be done if the bush were integrally formed with the box. Further, in Walter, the bush 26 is snap fit into an opening 23 of the box 11 and neither the opening 23 nor the box 11 provide a seat for a swivel tube, as recited in claim 1.

Still further, in the rejection of claim 1, the office action cites element 33 in Walter as corresponding to the elastomeric isolator-seal recited in claim 1. But element 33 in Walter is merely one part of a ball or cylindrical joint connection. See e.g. column 3, lines 16-19 in Walter. Further, element 33 in Walker is positioned inside a central portion of the bush 26 such that it does not substantially enclose any end of the bush 26 in Walker (leaving aside for the time being whether the bush 26 of Walter can properly be considered a sleeve as recited in claim 1, which Applicant does not concede). In contrast, claim 1 recites an “elastomeric isolator-seal substantially enclosing said one end of said sleeve”. Beyond not enclosing any end of the bush 26, there is no disclosure in Walter that element 33 is formed from an elastomeric material. So the stated rejection of claim 1 fails for this additional reason.

Still further, claim 1 also recites that the isolator-seal is “received in said opening and compressed against one or more surfaces defined therein to seal said sleeve one end to said

shifter base housing”. Claim 1 is not anticipated by and defines patentable subject matter over Walter for at least the following reasons: 1) the cited element 33 in Walter is not received in the cited opening 23 in Walter, 2) the cited element 33 in Walter is not disclosed or taught as being compressed against any surface, and 3) Walter does not teach or even suggest that element 33 seals the bush 26 in Walter to a shifter base housing (indeed, Walter does not disclose that the element provides a seal between the bush 26 and anything else). Even for the sake of argument if it were assumed that element 33 did provide a seal, which is not supported by Walter, then it could only do so between an inner surface of the bush 26 and the other element 32 of the joint connection and not between the bush 26 and a shifter base housing as is recited in claim 1.

For at least the above noted reasons, claim 1 is not anticipated by and defines patentable subject matter over Walter. Notably, the amendments to claim 1 include elements from claim 13 as previously presented and the claims from which claim 13 depended. Accordingly, these claim elements, as well as the particular combination of elements in amended claim 1, have been in the application since before issuance of this Office Action and so the amendment of claim 1 should not present any new issues. In that regard, if the Examiner believes any new ground of rejection is required beyond the rejections set forth in the current Office Action, then such Office Action including any such newly stated rejection cannot be made final because none of the amendments made to the claims in this response could have necessitated the new ground of rejection.

#### **Dependent Claims 2-15**

Each of claims 2-15 is ultimately dependent upon claim 1 and defines patentable subject matter for at least those reasons that claim 1 is patentable, and for the additional points of novel and nonobvious subject matter set forth in these dependent claims. Further, as noted above, the rejections of claims 3-15 have not been supported so Applicant has not been given a fair

opportunity to consider and respond to the rejections of these claims. Accordingly, allowance of these claims, or a complete and non-final office action fully setting forth the bases for the rejections, is requested.

### **Claims 16-22**

Independent claim 16 has been amended and now recites, among other things, “integrally forming an opening in a wall of said shifter base housing extending into said interior space, and providing a projection formed in one-piece with said wall, said projection defining a seat and a central opening aligned with said opening” and “positioning a swivel tube against said seat with a tubular body of said swivel tube extending through said central opening”. Walter does not disclose or suggest a projection formed in one-piece with a wall of a shifter base housing where the projection defines a seat for a swivel tube and a central opening, as recited in claim 16.

Further, independent claim 16 recites, among other things, “substantially enclosing one end of a sleeve with an elastomeric isolator-seal”, and “inserting said one end of said sleeve and isolator-seal into said opening”, and “compressing and holding said isolator-seal against one or more surfaces in said opening to cause said sleeve one end to be sealed to said shifter base housing”.

None of these claim limitations are disclosed or taught by Walter. For at least these reasons, claim 16 defines novel and patentable subject matter over Walter.

Each of claims 17-22 is ultimately dependent upon claim 16 and defines patentable subject matter for at least those reasons that claim 16 is patentable, and for the additional points of novel and nonobvious subject matter set forth in these dependent claims. Claim 18 has been amended to clarify the subject matter set forth therein in view of the amendments to claim 16 which now includes certain elements previously set forth in claim 18. The interaction of a

partially spherical seat of the integral projection, partially spherical seat of the isolator-seal and the head of the swivel tube is not disclosed or suggested in Walter. Claim 18 defines patentable subject matter for at least these additional reasons.


### CONCLUSION

Each of claims 1-9, 11, 12 and 14-22 defines patentable subject matter and reconsideration and allowance of each of these claims are respectfully requested.

If, after considering this Response, the Examiner believes any of the claims are not in condition for allowance, it is respectfully requested that the Examiner initiate a telephone interview with Applicant's undersigned attorney, Matthew J. Schmidt, whose telephone number is (248) 689-3500, so immediate consideration can be given to any further amendment suggested by the Examiner or needed to place all of the claims in condition for allowance.

The fee for the one month extension of time (\$130.00) is being paid by credit card. Any other fee deemed necessary for this response may to be charged to deposit account no. 50-0852.

Respectfully submitted,



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